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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2161

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,224

Applicant(s)

QIAN, RICHARD

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Claims Status:***

Claims 1-57 are pending. Claims 1-57 are rejected as detailed below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 6, 10, 11, 13, 20-22, 24, 25, 29, 30, 39, 40, 41, 43, 44, 48 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2004/0268390 issued to Ibrahim Sezan et al (hereafter Ibrahim Sezan).

Claims 1, 10, 20, 29, 39 and 48:

Gutta discloses:

a personalization engine to create personal preference information from a user regarding a content [camera 120 captures images of a user 10, Fig 1, paragraph 25]

the personal preference information being represented in a description compatible with a content analyzer in an edge server<sup>1</sup> [content analyzer represented by filter that provides recommendations, paragraphs 11 and 37; edge server represented by server, paragraph 37]

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<sup>1</sup> Applicant's specification, paragraph 21 defines edge server as a server that is at the edge of the network/broadband medium.

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a content scheduler coupled to the personalization engine to schedule delivery of the content from the edge server and uploading of the personal preference information to the edge server [paragraphs 32 and 36]

Claims 2, 21 and 40:

Gutta discloses a local storage to cache the content delivered from the edge server and a content manager coupled to the local storage to manage the cached content [database is part of control unit 130, paragraph 36]

Claims 3, 13, 22 and 41:

Gutta discloses wherein the description is compatible with a metadata associated with the content [paragraph 14]

Claims 5, 24 and 43:

Gutta discloses a deduction engine to deduce the personal preference information based on user's usage [paragraph 33]

Claims 6, 25 and 44:

Gutta discloses an input interface to obtain personal preference information provided by the user [paragraph 32]

Claims 11, 30 and 49:

Gutta discloses a content assembler to assemble the filtered content using the description into a packaged content according to an assembly criterion and a content distributor coupled to the content assembler to distribute the packaged content to the user based on delivery information provided by the home server [paragraph 11]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 12, 14-16, 18, 19, 23, 31-35, 38, 42, 50-54, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta in view of Pub No US 2004/0268390 issued to Ibrahim Sezan et al (hereafter Ibrahim)

Claims 4, 14, 23, 33, 42 and 52:

Gutta discloses the elements of claims 1 and 3 as noted above but does not disclose MPEG-7. Ibrahim discloses MPEG-7 [paragraph 222]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gutta to include MPEG-7 for the purpose of complying with a widely accepted industry standard in order to increase the marketability of the invention.

Claims 12, 31 and 50:

Gutta discloses web content [paragraph 36]

Claims 15, 34 and 53:

Ibrahim discloses a semantic topic [paragraph 55]

Claims 16, 35 and 54:

Ibrahim discloses scheduled time, quality of service and transmission bandwidth [paragraphs 38, 62 and 232]

Claims 18, 32, 51 and 56:

Ibrahim discloses a metadata creator to create a metadata associated with the content [Fig 13, step 408].

Claims 19, 38 and 57:

Ibrahim discloses a matcher to match the description with the personal preference information [paragraph 68].

Claims 7, 26, 28 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta in view of Pub No US 2002/0032772 issued to Olstad et al (hereafter Olstad).

Claim 7:

Gutta discloses the elements of claims 1 and 2 as noted above, and furthermore, regarding claim 7, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [paragraphs 32 and 36] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gutta to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Gutta per the above for the purpose of building a search engine service [paragraph 85].

Claim 9:

The combination of Gutta and Olstad discloses the elements of claims 1, 2 and 7 as noted above and furthermore, Gutta discloses a viewing device [Fig 1]

Claim 26:

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Ibrahim discloses the elements of claim 21 as noted above, and furthermore, regarding claim 7, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

Claim 28:

The combination of Ibrahim and Olstad discloses the elements of claims 1, 2, 7 and 8 as noted above and furthermore, Ibrahim discloses a viewing device [Fig 2, 80]

Claim 45:

Ibrahim discloses the elements of claims 39 and 40 as noted above, and furthermore, regarding claim 45, discloses a retriever to retrieve the cache content and a distributor to distribute the retrieved cache content to a device [Fig 2] but does not disclose an indexer to index the cache content. Olstad discloses an indexer to an indexer to index the cache content [Fig 6]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim to include an indexer to index the cache content as taught by Olstad for the purpose of coupling the cache to the Internet [paragraph 85]. The skilled artisan would have been motivated to modify Ibrahim Sezan per the above for the purpose of building a search engine service [paragraph 85].

Claims 8, 9, 27, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gutta and Olstad and further in view of in view of US Pat No 5,638,531 issued to Crump et al (hereafter Crump).

Claim 8:

The combination of Gutta and Olstad disclose the elements of claims 1, 2, and 7 as noted above and furthermore, regarding claim 8, Gutta discloses archiving [Fig 1a] but the combination of Gutta fails to disclose a cache decryptor/decoder. Crump discloses a cache decryptor/decoder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gutta and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 27:

The combination of Ibrahim and Olstad disclose the elements of claims 21 and 26 as noted above and furthermore, regarding claim 8, Ibrahim discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decoder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ibrahim and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 46:



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The combination of Ibrahim and Olstad disclose the elements of claims 39, 40, and 45 as noted above and furthermore, regarding claim 8, Ibrahim discloses archiving [paragraph 67] but the combination of Ibrahim Sezan and Olstad fails to disclose a cache decryptor/decode. Crump discloses a cache decryptor/decder [col 15, lines 35-47]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ibrahim and Olstad to include a cache decryptor/decoder as taught by Crump for the purpose of accessing the information in the cache by decoding the address [col 15, lines 35-45].

Claim 47:

The combination of Ibrahim, Olstad and Crump discloses the elements of claims 39, 40 and 45 as noted above and furthermore, Ibrahim Sezan discloses a viewing device [Fig 2, 80]

Claims 17, 36, 37, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibrahim in view of Pub No US 2003/0093790 issued to Logan et al (hereafter Logan).

Claim 17:

Ibrahim discloses the elements of claims 10 and 13 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata [paragraph 59]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Claim 36:

Ibrahim discloses the elements of claims 29 and 32 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata paragraph 59].

Claim 37:

Ibrahim discloses the elements of claims 29 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

Claim 55:

Ibrahim discloses the elements of claims 48 and 51 as noted above but does not disclose a parser to parse the metadata. Logan discloses a parser to parse the metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ibrahim to include a parser to parse the metadata as taught by Logan for the purpose of subdividing the received programming into logical units that can be later selected and modified with the aid of the descriptive metadata [paragraph 59].

***Response to Arguments***

Applicant's arguments with respect to claims 1-57 filed on 6/13/2006 have been considered but are not persuasive for the reasons given below.

**Applicant Argues:**

Applicant methodically lists the claim limitations and then states that the cited prior art does not disclose the claim limitations.

**Examiner Responds:**

Examiner is not persuaded. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant is referred to above Office action where the claim limitations are clearly rejected. Applicant fails to point out the patentable novelty which he or she thinks the claims present in view of the cited prior art. It is not sufficient to state that the prior art of record does not disclose a particular limitation when examiner has clearly referenced a section in the disclosure which reads on the claim limitation.

Furthermore, Applicant fails to point to the specification for an explicit and deliberate definition for the claim language. Examiner is thus required to give the claim language its broadest reasonable interpretation. The claims are interpreted in the context of the claims themselves, dictionary definitions (specialized and generic) and the level of ordinary skill in the art (treatises, search of the prior art and other specialized information sources). Applicant fails to argue why examiner's broadest reasonable interpretation is in error and merely makes the

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repeated statements that the prior art does not disclose the limitation without giving any reasons based on the present disclosure.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

8/25/2006

*E. LeRoux*  
Primary Examiner